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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 000130

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** C O R R E C T E D C O P Y MONTH IN PARA 2 **

E.O. 12958: DECL: 05/08/2017
TAGS: [EAID](#) [KDEM](#) [PGOV](#) [AF](#)
SUBJECT: PRESIDENTIAL COMMISSION ON ELECTIONS SEEKS DEAL
WITH PARLIAMENT

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Classified By: Ambassador William B. Wood for reasons 1.4 (B) and (D).

Summary

¶1. (C) A senior Presidential advisor confirmed that the government supports a consolidated election calendar, with presidential, parliamentary, provincial council and possibly district council elections held during a window in the fall of 2009. He reported that behind the scenes negotiations are underway with Parliamentary leaders, including Speaker Qanooni, who regards himself as a presidential contender. The Palace will resist proposals to allocate any parliamentary seats through a system of proportional representation, but negotiations with parliament are also underway on this issue. President Karzai is counting on a working group of senior figures to forge a consensus agreement. Post will work for consolidation of the election calendar provided it does not require re-opening the Constitution. The Afghans appreciate that decisions before a possible Spring donors conference will facilitate commitments to support the voter registration process and elections.

Palace Committed to Consolidated Election Calendar

¶2. (C) Minister for Parliamentary Affairs and Senior Presidential Advisor Farook Wardak confirmed in a meeting on January 10 that the government is committed to a consolidated Election Calendar. Elections for president, parliament, and provincial councils (he also mentioned district councils) would take place together during a window in the Fall of 2009, though according to him, probably not on the same day. This would require too many separate ballots and be confusing to the voters. He did not mention, but elections experts have noted, that the presidential election may require a run-off in any case.

¶3. (C) Wardak, who organized the cross border Peace Jirga and is Karzai's deal-maker, said the government's goal is to gain

consensus with parliamentary leaders on both the election calendar and election law. The Supreme Court would then be asked to confirm that the agreement is constitutionally permissible. Wardak pointed out that there are already a number of areas related to elections where strict compliance with the Constitution has been abrogated due to practical necessity. He highlighted that, according to a strict interpretation of the constitution, elections should be held in February, which is not possible due to the weather.

Commission Formed to Broker a Deal with Parliament

¶4. (C) Wardak reported that President Karzai has formed an informal commission comprised of Independent Election Commission Chairman Azizullah Ludin, Chairman of the Wolesi Jirga Religious Affairs Committee Abdul Rassoul Sayyaf, Wolesi Jirga Member Burhanuddin Rabbani, and a representative of the Supreme Court. The commission is scheduled to hold its first meeting on January 15 and to deliver a report to Karzai within two weeks. Wolesi Jirga Speaker Yunus Qanooni had sought to chair the commission, but Karzai tapped Ludin instead. A source in Parliament shared that Karzai may turn to Meshrano Jirga Speaker Sigbatullah Mujaddidi in place of Ludin in order to deflect Qanooni's persistent demands that the chairmanship belong to the Parliament.

¶5. (C) Wardak said a consolidated election calendar is preferable both in terms of security and costs. He shared his "personal opinion" that Qanooni is coming to appreciate that he is not a viable presidential candidate and that this will lead him to be more realistic and flexible on the calendar decision. If he is not running for the presidency, he should not be concerned if both presidential and parliamentary elections are on the same day. On the election law, Wardak asserted that the Afghan electorate is not ready for changes to the electoral system due to illiteracy,

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unfamiliarity with proportional representation, and Afghanistan's sour history with political parties. Wardak volunteered that he and the President appreciate that part of Qanooni's desire to be president or prime minister reflects his feeling that he is not given enough respect as Speaker. They recognize the need to get past the institutional, political, and personal tensions of the past months and find ways to address his concerns.

Independence of Election Commission Another Issue

¶6. (C) Wardak confirmed that the appointment of Independent Election Commissioners when the terms of the current commissioners expire on January 18 is a serious issue. He said that IEC Chairman Ludin's strength is his independence, but his weakness is his inability to work well with the commissioners. (The full Commission has not met in months.) Under the existing election law, Karzai can unilaterally re-appoint all the commissioners, but Ludin has reportedly threatened to resign unless given a say. Wardak confirmed that just one new commissioner has been selected, a former Supreme Court Justice. Head of the United Nations Election Division Craig Jenness, cautioned during his visit to Kabul on December 2 that prior experience shows that failure to adequately resolve this kind of dispute over the composition of an election commission can cripple election operations and lead to serious political rifts down the road, possibly undermining the integrity of the elections.

Qanooni Supports Proportional Representation

¶7. (C) Although Parliament remains in recess until January 21, POL confirmed in several meetings with parliamentary officials on January 10, including Qanooni's brother Haji

Ibrahim, that the election law is the highest legislative priority for the next session. They described a Parliament earnestly planning for the incorporation of a proportional representation (RP) element into the new election law. They claim, following extensive public outreach, that 70 percent of Afghans favor the change. We have not been able to locate any evidence of an organized public outreach campaign. Haji Ibrahim confirmed that Qanooni wants to chair the presidential commission on the calendar and law, but acknowledged that the Speaker is unlikely to stand in the presidential and parliamentary elections simultaneously.

District and Municipal Council Elections?

18. (C) Wardak's statement that the government hopes to hold District Council elections along with the presidential, parliamentary, and provincial council elections confirms recent speculation. Independent Directorate for Local Governance (IDLG) deputy Barna Karimi also mentioned the possibility of municipal council elections in the 2009/10 time frame, but wavered when confronted with the operational implications. The Constitution calls for elected municipal, district, and village councils. Until now, Mayors appointed by the Ministry of Interior's former Civil Administration Division now under the authority of Jelani Popal's IDLG have filled the municipal role, and Popal began recruiting the first appointed District Councils in Wardak province this week. UNDP and IEC plans do not include provisions for district and municipal elections, which could result in additional operational challenges and budgetary implications.

Parliament may have an interest in such elections rather than continue to acquiesce to the appointment of these local officials by the executive branch. This issue could be an element of the final Presidential- Parliamentary deal on elections.

Consolidation Without Constitutional Change

19. (C) The Constitution seems to call for elections for president in the Spring of 2009, provincial councils in the

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Fall of 2009, and parliament in Fall of 2010, but it appears to be sufficiently ambiguous to permit consolidated elections, provided all political factions and the Supreme Court agree on a shared interpretation. If any single faction opposes this approach, consolidation would require a Loya Jirga to reopen the Constitution, which we oppose. Post will continue working for consolidation provided it does not require re-opening the Constitution.

10. (C) Delicate negotiations remain over the complex issues raised by the election calendar, law, and commission composition. Post continues to emphasize that timely decisions on a plan would help encourage donors to plan adequate support. Wardak, who seemed to have been thinking in terms of a fall 2008 deadline to have decisions made (the election law needs to be in place one year before elections) responded to the reminder that early decisions would help spur donor support with a commitment to quicken the pace of negotiations and decisions.

WOOD